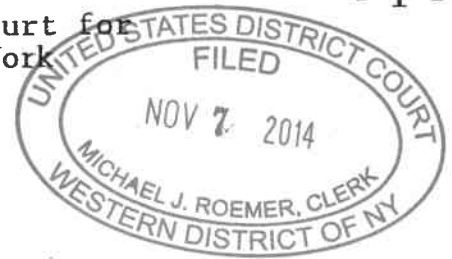


In the United States District Court for
the Western District of New York



Javaughan Parker,
Petitioner

v.

Cause No.: 1:08cr-00254-WMS-1

United States of America,
Respondent

Motion to Reduce Sentence Pursuant to 18USC 3582(c)(2)

NOW COMES, Javaughan Parker, Petitioner through Pro-Se representation before this court seeking the reduction of his prison sentence pursuant to 18 USC 3582 (c)(2). Petitioner humbly requests that this Court gives retroactive effect to Amendment #782 of Title 18 of the United States Code. This amendment is also known as the "All Drugs Minus Two Amendment" (further mentioned herein as "the Amendment"). This request is also made under U.S.S.G.1.B1.10.. He solicits the reduction of his sentence from 120 months to 87 months. The Sentencing Commission has expressly designated the Amendment as one that may be applied retroactively, effective on November 1, 2014.

The Court must make two determinations in deciding whether or not to modify a sentence under 18 USC 3582(c)(2). Under the first step, the Court considers what sentence it would have imposed had the Amendment been in effect at the time Petitioner was sentenced. Then the Court determines what

sentence it would have imposed had the new sentencing range been enacted at the time of the original sentence, leaving untouched all other previous factual decisions concerning particular sentencing factors. United States v. Johnson (2nd cir.,2011) 633F.3d116.2011 US App LEXIS 1754. Such factors include inter alia, role in offense, obstruction of justice, more than minimal planning and acceptance of responsibility. Accordingly, the Court's determination should place the guidelines range that would have applied had the Amendment been in effect. Here the relevant guideline range would be 87 months as opposed to the pre-Amendment range of 120 months.

Having established the applicable Amendment guideline range, the Court must now consider the factors set forth in 18USC 3553(a), and exercise its informed discretion to decide whether or not to modify the original sentence previously imposed. See: 18USC 3582(c)(2). The factors set forth in section 3553(a), are the following:

- 1) the nature and circumstances of the offense and the history and characteristics of the defendant
- 2) the need for the sentence imposed
- 3) the kinds of sentences available
- 4) the applicable sentencing ranges under the guidelines.
- 5) any pertinent Sentencing Commission policy statement.
- 6) the need to avoid unwarranted sentence disparities

among defendants

7) the need to provide restitution to the victims. Placed more accurately, the statute requires the sentence imposed to satisfy the concerns of retribution; general deterrence; special deference; and rehabilitation.

With the matter at bar, time is of the essence. Attached. is a copy of the Petitioner's education transcript during his incarceration. These transcripts and certificates provide the Court with a detailed account of the courses and activities he has completed under his own initiative. Petitioner believes this to be clear evidence of his rehabilitation efforts the U.S. Congress has expressly instructed district courts to consider as factors. Any evidence of post-sentencing rehabilitation may plainly be relevant to the history and characteristics of the defendant. Pepper v. United States (US 2011) 562 US _____, 131 S. Ct. _____, 179 L.Ed.2d. 196. 2011 US LEXIS 1902. Moreover. any additional incarceration is not warranted to deter Petitioner from committing any further offenses against society.

Conclusion

Again, Petitioner would like to illustrate that time is at the essence in this matter. Because of the remaining length of the Petitioner's sentence. He may not benefit from the Amendment. Petitioner solicits the Court to recommend

to the Federal Bureau of Prisons it is their desire for the Petitioner to be considered for 12 months halfway house pursuant to the Second Chance Act of 2007. This recommendation is one of the criteria of this Act.

In conclusion. Petitioner respectfully requests that this Court grants his motion for reduction of sentence pursuant to 18 USC 3582 (c)(2).

Respectfully,

Javaughan Parker 17303055
Javaughan Parker, Pro-Se
Petitioner (17303-055)

Federal Prison Camp

Maxwell Air Force Base

Montgomery, AL 36112

I, Javaughan Parker, Pro-Se, Petitioner, hereby declare under the penalty of perjury that the above is true and correct to the best of my knowledge. This document was placed in the prison mailing system on Oct. 30, 2014.

Javaughan Parker
Javaughan Parker

Oct. 30, 2014

INMATE EDUCATION DATA
TRANSCRIPT*
*

REGISTER NO: 17303-055

NAME...: PARKER

FUNC: DIS

FORMAT.....: TRANSCRIPT

RSP OF: ELK-ELKTON FCI

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
ELK FSL	ACE RESIDENT CONSTRUCTION, FSL	09-10-2011	02-11-2012	P	C	P	14
ELK FSL	CAMP SPINNING/WELLNESS-<HN>	10-27-2011	01-07-2012	P	C	P	2
ELK FSL	INSIDE OUT DADS (FSL)	08-02-2011	10-01-2011	P	C	P	24
ELK FSL	FSL CLOSED CIRCUIT ACE	08-01-2011	08-01-2011	P	C	P	1
ELK FSL	CHILD DEVELOPMENT (FSL)	05-07-2011	06-29-2011	P	C	P	18
ELK FSL	FSL DIVERSITY AWARE RPP<PG>	02-23-2011	02-23-2011	P	C	P	1
ELK FSL	FSL AIDS AWARENESS RPP<HN>	02-23-2011	02-23-2011	P	C	P	1

G0005

TRANSACTION SUCCESSFULLY COMPLETED - CONTINUE PROCESSING IF DESIRED

INMATE EDUCATION DATA
TRANSCRIPT

REGISTER NO: 17303-055 NAME...: PARKER
FORMAT.....: TRANSCRIPT RSP OF: ELK-ELKTON FCI

----- EDUCATION COURSES -----									
SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS		
ELK FSL	CAMP NFPT PERSONAL TRAINER	02-08-2013	08-06-2013	P	C	P	2		
ELK FSL	CAMP SPINNING/WELLNESS-<HN>	03-26-2013	06-27-2013	P	C	P	2		
ELK FSL	FSL CORE FITNESS	03-26-2013	06-27-2013	P	C	P	2		
ELK FSL	FSL BOOK CLUB	03-01-2013	03-30-2013	P	C	P	5		
ELK FSL	FSL CORE FITNESS	01-08-2013	03-26-2013	P	C	P	2		
ELK FSL	FSL BOOK CLUB	02-01-2013	02-28-2013	P	C	P	5		
ELK FSL	FSL BOOK CLUB	01-03-2013	02-05-2013	P	C	P	5		
ELK FSL	FSL BOOK CLUB	12-01-2012	12-31-2012	P	C	P	5		
ELK FSL	FSL BOOK CLUB	11-03-2012	11-03-2012	P	C	P	5		
ELK FSL	FSL BOOK CLUB	11-02-2012	12-04-2012	P	C	P	5		
ELK FSL	BUSI PRINCIPLES, PM CLASS, SUN	02-11-2012	06-21-2012	P	C	P	13		
ELK FSL	REBUILDING FOR FUTURE-RPP<PG>	03-06-2012	04-12-2012	P	C	P	6		
ELK FSL	ATTITUDE-YOUR CHOICE-RPP<PG>	02-20-2012	04-03-2012	P	C	P	6		
ELK FSL	CAMP SPINNING/WELLNESS-<HN>	01-12-2012	03-20-2012	P	C	P	2		

G0002 MORE PAGES TO FOLLOW . . .

INMATE EDUCATION DATA
TRANSCRIPT

REGISTER NO: 17303-055
FORMAT.....: TRANSCRIPT

NAME...: PARKER
RSP OF: ELK-ELKTON FCI

----- EDUCATION INFORMATION -----

FACL	ASSIGNMENT DESCRIPTION	START DATE/TIME	STOP DATE/TIME
ELK ESL HAS	ENGLISH PROFICIENT	03-01-2011 1752	CURRENT
ELK GED HAS	COMPLETED GED OR HS DIPLOMA	02-23-2011 1342	CURRENT

----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
ELK FSL	CAMP CERAMICS	08-19-2014	10-03-2014	P	C	P	2
ELK FSL	MEDICINE BALL (CAMP WELLNESS)	05-15-2014	10-03-2014	P	C	P	2
ELK FSL	CARDMAKING (CAMP LEISURE)	08-01-2014	09-23-2014	P	C	P	2
ELK FSL	MEDICINE BALL (CAMP WELLNESS)	02-08-2014	05-15-2014	P	C	P	2
ELK FSL	FSL, TYPING CLASS, 1230 CHUPA	01-19-2014	04-01-2014	P	C	P	40
ELK FSL	ACE, REAL ESTATE, SUNDAY PM	12-07-2013	03-20-2014	P	C	P	14
ELK FSL	FSL CORE FITNESS	09-30-2013	12-27-2013	P	C	P	2
ELK FSL	CAMP CERAMICS	11-23-2013	12-15-2013	P	C	P	1
ELK FSL	ACE SPANISH, AM CLASS, SUN	07-27-2013	11-09-2013	P	C	P	14

G0002 MORE PAGES TO FOLLOW . . .